

Application No. 10/040,850

REMARKS

Claims 1 to 22 are pending in the application. Claims 1 to 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being obvious over Chem Abstract 137:233008.

Applicants respectfully traverse these rejections. The instant application was filed on January 9, 2002. The publication of Chem Abstract 137:233008, "The Synthesis of Poly(arylene ether)s in Solution at Pilot-Plant Scale with Control over Molecular Weight and End-Group Composition," Timothy P. Bender, Richard A. Burt, Gord K. Hamer, Christine DeVisser, Paul F. Smith, and Marko Saban, Organic Process Research & Development (2002), 6(5), pp. 714-720, was published by the inventors of the instant application (plus one additional individual) on a date after the filing date of the present application. The Examiner has written "9/2002" on the copy of the abstract provided and on the "Notice of References Cited" as the publication date of this reference. Accordingly, this journal article reference does not qualify as prior art under §102(e) because it is not "an application for patent", not "published . . . before the invention by the applicant for patent," not "a patent", and not "granted on an application for patent . . . before the invention by the applicant for patent". It similarly does not qualify as prior art under any other section of §102/103, particularly in view of its publication date. Applicants accordingly are of the position that the present claims are patentable with respect to this reference.

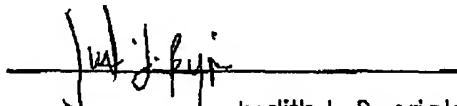
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Applicants believe that the foregoing distinctions place the claims in condition for allowance, and accordingly respectfully request reconsideration and withdrawal of all grounds for rejection.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Applicant(s) attorney, Judith L. Byorick, at Telephone Number (585) 423-4564, Rochester, New York.

Respectfully submitted,



Judith L. Byorick
Attorney for Applicant(s)
Registration No. 32,606
(585) 423-4564

JLB/cw
July 12, 2003
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644